

### **REMARKS/ARGUMENTS**

A Notice of Non-Compliant Amendment was mailed to Applicant on December 19, 2006 indicating that the amendment document filed on October 31, 2006 was considered to be non-compliant because underlinings were not properly used in at least claim 47, line 17 and claim 55, line 18, as required by 37 CFR 1.121(a)(2)(ii).

Applicant respectfully submits that independent claims 47 and 55 have been amended to comply with 37 CFR 1.121(a)(2)(ii). That is, all new subject matter has been underlined, along with deleted material from the original claims being enclosed in double brackets or marked by strikethrough. Independent claims 47 and 55, as amended, use the “currently amended” identifier, as do claims previously identified as such in the 10/31/2006 Office Action response (i.e., independent claims 26, 38, 42, and 50, along with dependent claim 33).

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the Notice of Non-Compliant Amendment.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Gregg W. Wisdom at (360) 212-8052 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 19<sup>th</sup> day of January, 2007.

Alison L. Subendran  
Name

ASL  
Signature

Respectfully Submitted,  
Peter J. Fricke, et al.

By their Representatives,  
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Date: 1/19/2007